

# **EXHIBIT 8**

CONFIDENTIAL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

KELLY WILSON, ) NO.  
                        ) 3:14-CV-01441-VC  
Plaintiff, )  
                        )  
vs. )  
                        )  
THE WALT DISNEY COMPANY, )  
DISNEY ENTERPRISES, INC., )  
WALT DISNEY PICTURES, and )  
WALT DISNEY MOTION PICTURES )  
GROUP, INC., )  
                        )  
Defendant. )  
                        )

---

DEPOSITION OF JAMES MCDONALD  
Los Angeles, California  
Wednesday, February 25, 2015  
Volume I

Reported by:

ROCHELLE HOLMES

CSR No. 9482

Job No. 2021493

PAGES 1 - 103

1           THE WITNESS: I feel that I am an expert when it  
2 comes to writer credit determination issues and writer  
3 credit issues with regard to screenplays. I have spent  
4 four decades analyzing and developing screenplays. I  
5 have worked for every studio, several production  
6 companies. I am consulted by writers when they are  
7 developing screenplays. I have consulted with writers  
8 in regard to arbitration with the WGAW. I have  
9 consulted with studio executives on writer issues. And  
10 I, over the last 23 years, I have done a forensic  
11 analysis on the development process of well over 50, 60  
12 animated films.

13           Q BY MR. GIGNAC: Okay. Do you consider yourself  
14 to be an expert on the determination of whether a work  
15 is an original piece of work?

16           MR. KLAUS: Object to the form of the question.

17           THE WITNESS: That is a very broad question. Will  
18 you define "original" for me?

19           Q BY MR. GIGNAC: Let me ask you this. Do you  
20 think that The Snowman created by Kelly Wilson is an  
21 original work?

22           A Yes, it is an original work.

23           Q Okay. Do you consider yourself to be an expert  
24 on the question of whether or not one work infringes  
25 upon the copyright of another work?

1 MR. KLAUS: Object to the form of the question.

2 THE WITNESS: I am not a lawyer, so as to whether  
3 one work infringes on another as far as copyright law  
4 goes, no. However, in regard to substantial similarity  
5 between two works, yes. I usually am hired for a very  
6 specific reason, to compare two works to filter out what  
7 is an abstract idea from what is the concrete expression  
8 of ideas. So on that specific area, yes, I think I am  
9 an expert.

10 Q BY MR. GIGNAC: Okay. Do you consider yourself  
11 to be an expert on the issue of whether or not one work  
12 has plagiarized elements from another work?

13 MR. KLAUS: What do you mean by "plagiarized"?

14 MR. GIGNAC: Is that an objection?

15 MR. KLAUS: Yes. What do you mean by  
16 "plagiarized"? It's vague and ambiguous.

17 Q BY MR. GIGNAC: Do you understand what  
18 plagiarized means?

19 A My understanding of plagiarized means someone  
20 has borrowed, copied, used someone else's work.

21 Q Perfect. With that definition in mind, do you  
22 consider yourself to be an expert on the issue of  
23 whether or not one work has plagiarized elements from  
24 another work?

25 MR. KLAUS: Objection. Are you asking a different

1 question than the one about copying?

2 THE WITNESS: Once again, I'm not an expert on  
3 copyright law. I'm an expert on counseling similarities  
4 and I have an opinion based on my expertise and  
5 experience as to whether there is substantial enough  
6 similarity between two works where maybe someone did  
7 borrow it.

8 Q BY MR. GIGNAC: Do you have any plans or  
9 expectations to do additional expert work in connection  
10 with this litigation other than possibly testifying at  
11 trial?

12 A I have no idea what's going to happen after  
13 this deposition.

14 Q All right. In other words, you don't have any  
15 pending assignments or things that you still need to  
16 conclude?

17 A No, I don't.

18 Q Is there anyone -- strike that.

19 Is there anyone that assisted you in connection  
20 with your work as an expert in this case? And I mean  
21 beyond counsel. And I'm not trying to suggest counsel  
22 necessarily assisted you, but I want to exclude them  
23 from the question.

24 A No.

25 Q So you don't have anybody that you were working

1 I, JAMES MCDONALD, do hereby declare under  
2 penalty of perjury that I have read the foregoing  
3 transcript of my deposition; that I have made such  
4 corrections as noted herein, in ink, initialed by me, or  
5 attached hereto; that my testimony as contained herein,  
6 as corrected, is true and correct.

7  
8 EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_,  
9 20\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_.

10 (City)

(State)

11  
12 \_\_\_\_\_  
13 JAMES MCDONALD

14 Volume I

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CONFIDENTIAL

1 I, Rochelle Holmes, the undersigned, a  
2 Certified Shorthand Reporter of the State of California,  
3 do hereby certify:

4 That the foregoing proceedings were taken  
5 before me at the time and place herein set forth; that  
6 any witnesses in the foregoing proceedings, prior to  
7 testifying, were administered an oath; that a record of  
8 the proceedings was made by me using machine shorthand  
9 which was thereafter transcribed under my direction;  
10 that the foregoing transcript is a true record of the  
11 testimony given.

12 Further, that if the foregoing pertains to the  
13 original transcript of a deposition in a Federal Case,  
14 before completion of the proceedings, review of the  
15 transcript [ ] was [X] was not requested.

16 I further certify I am neither financially  
17 interested in the action nor a relative or employee  
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date subscribed my  
20 name.

21 Dated: March 10, 2015

23 Rochelle Holmes

24 Rochelle Holmes

25 CSR No. 9482, CCRR No. 0123